IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Civil Writ Petition No. 8317 of 2003

Date of Decision: 13.12.2007

Gurtej Kaur and others

.....Petitioners

Vs.

The State of Punjab and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE RAJESH BINDAL

Present: Mr.R.K.Arora, Advocate
for the petitioners.

Mr.S.S.Sahu, AAG, Punjab.

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Rajesh Bindal, J.

The prayer made in the present petition filed by the petitioners who are Auxiliary Nursing Midwives (ANMs), now designated as Multi Purpose Health Workers, Female, is for a direction to the respondents to sanction study leave to them for a period of two years as per Rules 3 and 5 of the Study Leave Rules, 1963 for attending 'A' Grade Nursing Course as had been granted to other similarly situated employees. The claim made by the petitioners was contested by the respondents.

Learned counsel for the petitioners submits that the issues raised in the present petition have already been gone into by a Division Bench of this Court in **CWP No. 4239 of 2006 decided on September 24,**

2007 titled as **Kuldeep Kaur and others Vs. State of Punjab and others.** Referring to earlier order passed by this Court on **May 20, 2003 in CWP No. 212 of 1995** titled as **Sukhbir Kaur V. State of Punjab and others**, a Division Bench of this Court accepted the prayer made by the petitioners in Kuldeep Kaur and others' case (supra) and directed that the monetary benefits admissible to the petitioners therein in terms of Sukhbir Kaur's case (supra) be calculated and paid to the petitioners therein within two months from the date of order. Learned counsel appearing for the respondents could not dispute that the issue raised in the earlier two petitions namely Sukhbir Kaur's case and Kuldeep Kaur's case (supra) was the same as there also the petitioners therein had claimed grant of benefit of study leave. Once an identical issue with regard to similarly situated employees has already been considered by a Division Bench of this Court and the claim has been accepted, the order passed therein is binding on the respondents. Accordingly the present writ petition is also disposed of in terms of the earlier orders passed in aforesaid cases and the petitioners herein be also granted the same benefit. The necessary calculation and payment be made to the petitioners within a period of two months from the date of receipt of copy of this order.

(RAJESH BINDAL)
JUDGE

December 13, 2007
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